DAWN

OPINION

Dangling sword

A 27th AMENDMENT is no longer just a subject of gossip and rumour. It is materialising and has triggered speculation about how this regime expects to consolidate its power. It is clear why it was kept under wraps: the proposed legislation will hollow out the Supreme Court and supplant it with a supra-court with all powers to overrule the former's authority. The other subjects it touches on are the number of ministers and advisers, as well as the leadership of the armed forces. It would seem as if the potential rollback of the 18th Amendment and significant changes to be made to the National Finance Commission Award were but a smokescreen. There is no mention of either of the subjects in the legislation presented before the Senate. Did the government use a bait-and-switch to make its proposals more digestible? We must wait to see how they are received.

Meanwhile, one cannot help but comment on the grand ambitions of the proposed amendment. The Supreme Court, once the last resort on all questions of law and legality, will be superseded by the federal constitutional court, which will quite literally be handpicked by the ruling regime. In theory, under the amendment, the ruling parties could stack the entire bench of this new, most powerful court in the country. Could such a bench ever be expected to rule impartially on the constitutionality of the government's actions? It would seem na ve to expect it to do so. How supporters of the amendment will explain this blatant subversion of judicial independence remains to be seen. Meanwhile, the Supreme Court is to be reduced to a final court for routine civil and criminal appeals only. This demotion will complete the apex court's descent to irrelevance, triggered by its failure to enforce its writ in the '90-days elections' case. The humiliation will be complete.

One also wonders about the wisdom behind granting five-star ranks immunity from all prosecution for life. It is a rather surprising concession, given that past governments of both the PML-N and PPP were persecuted and overthrown by military strongmen. Those same military rulers also committed gross excesses against ordinary citizens and resorted to subjugating civil rights wholesale whenever the public's will clashed with their personal interests. Unfortunately, they never faced justice for their crimes. Given such precedents, would the promise of near-blanket, lifetime immunity not give future despots more incentive to commit violations of oath and law with impunity? The government should perhaps have considered formally recognising the titles of five-star-ranked personnel only and conferring all the prestige it wished upon them. A lifetime of immunity is a rather odd honour to bestow on anybody. Attention now turns to the debate. The government must not rush matters and allow all to share their thoughts freely.

Women as equals

A ROUND of applause for the Supreme Court which reminded the nation recently that women's place in public life is not some favour accorded to them, but a fundamental right that has long been denied. Justice Mansoor Ali Shah, in a strong and thoughtful judgement, struck down a decision by the KP Service Tribunal which had upheld the dismissal of a female teacher, Ms Farakh Naz, after she got married. Her case demonstrates just how deeply patriarchal ideas still shape official policies. It is the kind of thinking that assumes a woman's worth and independence end once she gets married. The court's ruling restores her dignity and sets an important precedent: marriage does not erase a woman's identity, autonomy, or her legal rights as a citizen. Justice Shah went further, linking women's equal participation to better governance, stronger institutions and fairer societies. Citing international commitments such as the SDGs, he noted that when women work and lead in fields like education, administration, policy and health, they bring unique experiences that improve decision-making and public trust. Excluding them — especially for reasons like marriage — harms not only women but the country as a whole, depriving it of talent, balance and perspective. The verdict also underlines that a woman's contribution to public life is a key driver of national development and democratic maturity.

The judgement sends a clear message to lawmakers and policymakers: stop interpreting laws through archaic thinking that limit women to the private sphere. Women must not be viewed as dependants, to be handed opportunities conditionally. They are equal citizens with the same constitutional rights and responsibilities as men. As long as laws or policies continue to treat women as secondary, our democracy and progress will remain incomplete. It is now the government's duty to turn this principle into practice. That means reviewing service rules, removing hidden biases from policies, and creating workplaces that respect women's equality, safety and advancement. Training and awareness programmes must challenge stereotypes within public institutions. As Justice Shah reminded us by quoting philosopher Martha Nussbaum, a society that denies women equal opportunity also denies itself justice. If Pakistan is to have a just, strong and more democratic future, women have to take their rightful place in every sphere of public life.

Notification delay

IT has been over three weeks since the opposition nominated veteran politician Mehmood Khan Achakzai as Leader of the Opposition in the National Assembly. Yet Speaker Ayaz Sadiq has still not issued the notification, citing the matter's sub judice status. The explanation appears politically motivated and constitutionally questionable. On Thursday, Mr Sadiq again sent back a PTI delegation, seeking a notification, empty-handed. In continuing to withhold Mr Achakzai's appointment, the Speaker has laid bare the politicisation and fragility of our parliamentary culture. And to think that Mr Sadiq has long been regarded as a democrat.

Worryingly, the same pattern is in evidence in the Senate, where the appointment of the opposition leader has been blocked on similar grounds. This suggests a coordinated attempt to deny the opposition its rightful space in both Houses. The continued deferral of the notification — pending court orders on the petitions of former opposition leaders Omar Ayub and Shibli Faraz against their disqualification — underscores how easy it has become to sideline democratic and parliamentary norms when convenient. Such tactics will not serve democracy; rather, they will erode public trust in the neutrality of the top offices of the Senate and National Assembly, which must rise above partisanship. If anything, the occupants of these offices must act as the custodians of their respective chambers and not represent the ruling coalition's political interests. The excuse that the matter is under judicial scrutiny is at best frivolous, considering that prolonged delays in filling such important constitutional roles undermine the effective functioning of the legislature. In parliamentary democracies, opposition leaders are not symbolic figures; they are central to the system of checks and balances in the House. In mature democracies, the opposition leader in the Lower House is seen as the prime minister-in-waiting. By delaying the appointment, the rulers risk deepening political polarisation and further diminishing parliament's fragile credibility.

BY MUHAMMAD AMIR RANA

Revisiting the hard approach

State institutions must not lose their composure in their display of muscle.

AFTER Zohran Mamdani's victory as mayor of New York, academic Vali Nasr remarked on social media that the moment symbolised "the end of the era of the Global War on Terror". Yet, for Pakistan, the supposed front-line state in that long global campaign, the war never truly ended but rather got worse. Ironically, nations once branded as epicentres of terrorism, Iraq, Syria, and even Afghanistan now appear relatively more stable. One must ask why Pakistan remains suspended in perpetual insecurity, despite once being the front-line state in the war against terrorism.

The state has found many excuses to explain terrorism within its borders, blaming Afghanistan, global jihadist networks, local militant groups and religious extremism. Yet it rarely reflects on the policies it crafted to remain relevant in the region's strategic game. These policies were marred by miscalculations regarding the strengths and weaknesses of militant groups, and more critically, by persistent policy failures. Successive governments and security institutions have refused to admit these mistakes, hold anyone accountable, or meaningfully reform the frameworks that consistently failed to deliver.

The irony lies in the fact that Pakistan's security apparatus continued to implement the very approaches that had proven ineffective. Instead of acknowledging their flaws, it became defensive and intolerant of criticism, silencing legitimate forums and institutions that could have questioned these policy failures and ensured even minimal transparency in decision-making.

Apparently, the state institutions have decided to address the problems of terrorism and extremism decisively. This renewed resolve is reflected both in Pakistan's posture towards Afghanistan and in how the state has dealt with the extremist group TLP in Punjab. However, once again, these policies are being implemented with full impunity, and it remains unclear who'll be held accountable if they fail to deliver the desired outcomes.

In recent times, civilian governments have borne the burden of the strategic blunders made by state institutions. But under the current hybrid system, there is little room left to shift the entire responsibility onto civilian shoulders. The civilian leadership today appears to be in complete synchronisation with the military establishment in its approach to security, the economy and politics.

The synchronisation has created relative political stability in the country, but it is unable to address the security challenges that Pakistan is facing. What happened in Doha and Istanbul during the dialogue between Afghanistan and Pakistan showed that Pakistan, which had facilitated the Doha dialogue between the Taliban and the US, was now itself in talks, enabled by Turkiye and Qatar, with the Taliban regime. And in these talks, the bone of contention remained the terrorist groups TTP and the Ittihadul Mujahideen led by Gul Bahadur, and terrorist activities inside Pakistan. Both these terrorist groups were close aides of the Taliban in their fight against Nato forces, and clearly, Gul Bahadur had been Pakistan's proxy to support the Taliban insurgency. The TTP, which was equally lethal in Afghanistan and Pakistan, was tolerated for several years in North Waziristan until Operation Zarb-i-Azb was launched. Once again, the group was engaged in talks.

It was a deliberate policy to bring the Taliban into power in the hope that they would strengthen the state's strategic interests on the western borders. The price was so high that it bled Pakistan and caused disharmony inside it. The approach to supporting the Taliban had only one objective — to bring them to power; the state institutions did not have any plans once they came to power.

The Haqqanis, considered close to the state, have turned against Pakistan — something that should have been a strategic shock, but was absorbed silently. Neither the state institutions nor the intelligentsia in Pakistan questioned why the Haqqanis wanted to reverse Fata's status and convert the area once again into tribal territory, where they could operate freely, sustain their political economy, and continue spreading radicalism in Pakistan. The TTP and Gul Bahadur are merely the Haqqanis' stooges in this plan.

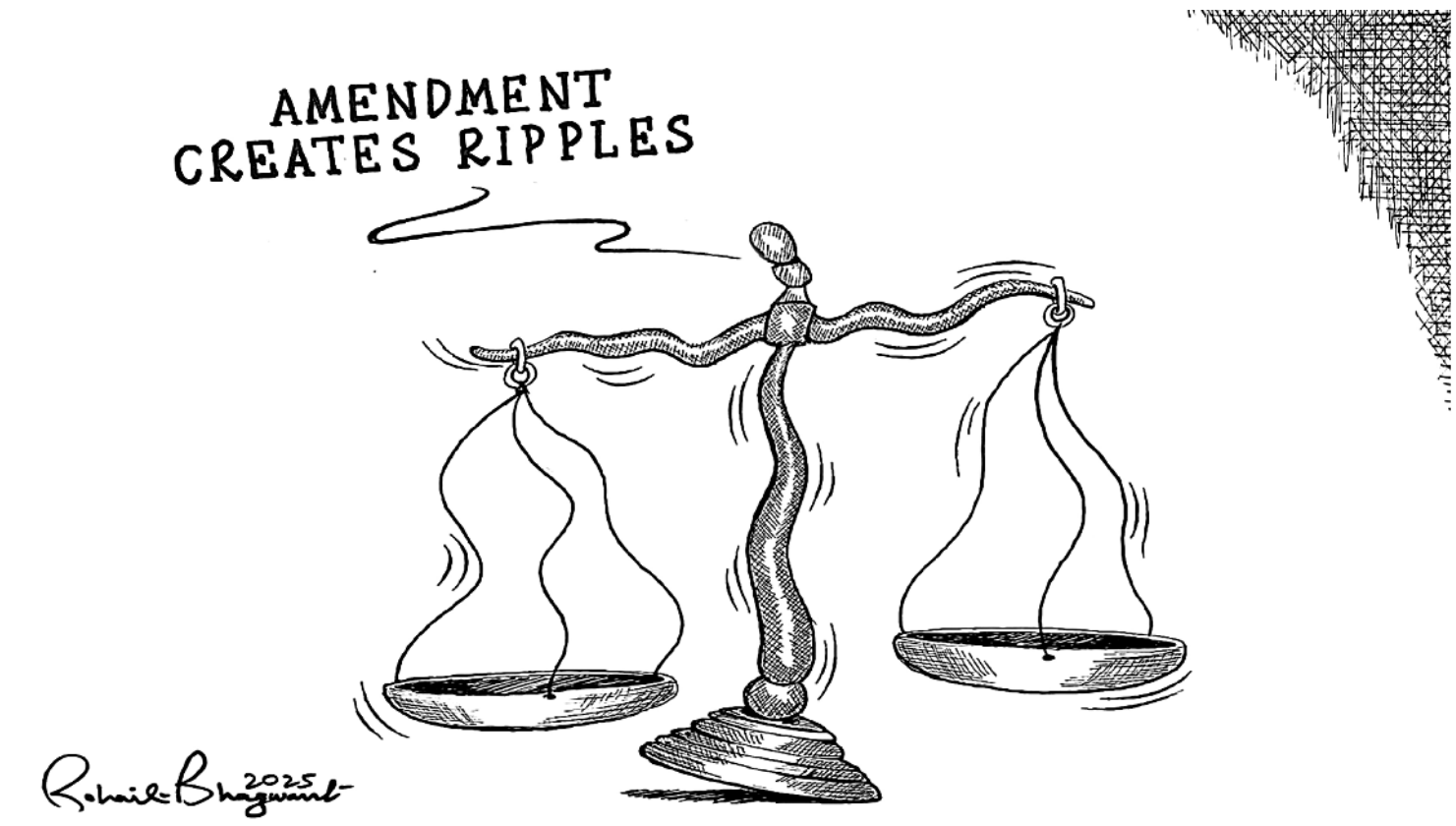
The irony lies in Pakistani officials signalling the possibility of regime change in Afghanistan if the Taliban do not comply with their expectations, an approach that violates diplomatic norms. Yet analysts are raising a valid question: if the state were to attempt regime change in Afghanistan, who would be its closest ally? Who else, if not the Haqqanis?

This is not just a dichotomy in the state's approach; it reflects a mindset rooted in the concept of a 'hard state', where the application of hard power often clouds the distinction between friends and foes. The state appears to be focused solely on achieving its set objectives, regardless of the long-term consequences.

One hopes that whatever policy the state has crafted to deal with terrorism and extremism, it will deliver tangible results and allow Pakistan to finally declare victory over this decades-old scourge. However, state institutions must not lose their composure in their display of muscle. A 'hard state' should not mean a loss of reason; it must evolve long-term policies to address its challenges.

Anatol Lieven's central argument in *Pakistan: A Hard Country* is that Pakistan is not a 'failed state'; rather it has a weak state apparatus that governs a socially resilient society. The idea derived from his analysis is that a muscular state could strengthen itself through firmness and control. However, as seasoned former diplomat Ashraf Jehangir Qazi recently reminded us, quoting Swedish economist and sociologist Gunnar Myrdal, Pakistan today is "characterised by weak governance, a lack of effective law enforcement, and a general societal and political indiscipline" — a reflection of Pakistan's current political condition. As he wrote in these pages: "Reliance on the use of force to resolve complex political challenges is not an indication of a strong or hard state." ■

The writer is a security analyst.



BY ABBAS NASIR

27th to cement status quo

THE experts will pore over the draft of the Constitution (27th Amendment) bill, which was tabled in parliament during a special session of the Senate on Saturday, to come up with their detailed critique but to a layman like me it seems aimed at cementing the status quo and also points to token resistance by the provinces.

It largely expands on the thinking behind the 26th Amendment and plugs whatever loopholes that exercise left to ensure that the days of 'judicial activism' that some saw as politically motivated are long gone. The judiciary will find itself much more tightly corralled.

The irony won't be lost on those who desired and campaigned for judicial independence that this tighter corralling of the judiciary will be accomplished with the help of some of the honourable members of the institution itself such as through a mechanism to transfer judges of the high courts. (I already have a list emerging in my mind, for example, of Islamabad High Court judges heading to far less salubrious and picturesque and definitely more turbulent and volatile centres than the federal capital).

The unity of the days of former chief justice Iftikhar Chaudhry is no more than a dot disappearing in the rear-view mirror, a distant memory. When we are lamenting the clipping of the judiciary's wings it would be in bad taste to mention the excesses of the Chaudhry era. But how can one forget those?

For it was those excesses that culminated in the unholy alliance between the judiciary and the establishment that marked the era of chief justice Saqib Nisar who presided over the first major rollback of democracy (in 2016) since its revival after the 2008 elections and triggered the downslide that continues to this day. Elements of the political class have been willing collaborators.

Those with far more legal competence and nous than I will ever have are commenting on this aspect of the amendment so I can move on to other areas such as the amendment governing Article 243 which deals with military appointments.

One of the changes to 243 will abolish the position of the Chairman of the Joint Chiefs of Staff Committee with the retirement of the incumbent Gen Sahir Shamshad this month. At which time the incumbent army chief Field Marshal Asim Munir will take over the newly minted dual role of the Chief of Army Staff-Chief of Defence Forces. The amendment states that the title of the field marshal will be for life. As far as my knowledge is concerned the title is always for life. So this part of the amendment is merely a reiteration. Also, a Commander of the National Strategic Command will be appointed by the prime minister on the recommendation of the COAS-CDF.

> The share of power and resources for the lead partner has been sought and is likely to be granted.

While it has not been spelt out, it is likely that the position will be a four-star general so the senior-most serving three stars will have something to aspire for, given the five-year tenure of their boss that is extendable for further period(s).

In essence, all of this represents the post-facto recognition and cementing of the status quo. The proponents of this move cite this May's 'victory in the war with India' as the rationale or justification behind the changes to Article 243 as they reflect on the operational 'lessons' learnt about the demands of this new era of warfare.

Against this backdrop and Indian Prime Minister Narendra Modi's insistence that his country's Operation Sindoor was 'on pause' and not ended, there was considerable speculation about a 10 per cent cut in the provincial share of the federal divisible pool as enshrined in the National Finance Commission Award (NFC) to fund additional defence needs.

It was also suggested that the ministries of education and population welfare and planning that devolved to the provinces via the 18th Amendment in 2010 would revert to the centre along with their sizeable, donor-supplemented, budgets. On the reversion of these two ministries to the centre and the removal of the protection to the provincial share in the NFC, it seems, the PPP dug in its heels and, according to Law Minister Azam Nazeer Tarar, the PML-N agreed to exclude matters 'for now' from the amendment on which consensus was not reached.

While the PPP managed to block a constitutional (institutionalised) cut to its share, it would not be surprising if the extra Rs500 billion needed for defence needs is offered up voluntarily by the provinces including Sindh and Balochistan (where too the PPP claims it leads the provincial government) with dangers looming large on the eastern as well as the western fronts.

It would be difficult to describe the KP government's posture under its belligerent new chief minister. If Sindh and Balochistan were to offer up their share, Punjab would follow suit, given that the PML-N has the government there.

Yes, democrats and those who believe in the independence of the judiciary will be crestfallen when this amendment is passed by parliament (and passed it will be, rest assured) but all it does is to once again underline the reality: power flows through the barrel of a gun.

In the past, takeovers have happened a few years (1977) or a few months (1999) after military debacles major or minor. Now, after a Trump-rubber-stamped win, an institutionalised increase in the share of power and resources for the lead partner of the hybrid set-up (this last a term used by Defence Minister Khawaja Asif) has been sought and is likely to be granted.

This is the reality. Notwithstanding the token provincial resistance. And sadly, for some of us this is how it will remain for the foreseeable future: save for a dramatic turn of events, that, for now at least, is improbable and not even a distant possibility. ■

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